

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
BUCKO CONSTRUCTION CO., INC.,)	CASE NO. 07-22406 JPK
)	Chapter 7
Debtor.)	

ORDER CONCERNING TRUSTEE'S MOTION AND
NOTICE OF INTENT TO ABANDON PROPERTY ("MOTION")

The Motion was filed on October 31, 2008. First, as a motion, the document fails to comply with Fed.R.B.P.9013, in that it is simply not in the form of a motion. Most specifically, it does not in any manner request any relief from the court, but merely states relief that is somehow proposed to be applied for. Secondly, as a notice pursuant to N.D.Ind.L.B.R. B-2002-2(a)(17), the document fails: its form is not in compliance with that required by N.D.Ind.L.B.R. B-2002(c).

Rather than go through the exercise of requiring the refiling of a separate motion and a separate notice, the court will merely set a hearing on the foregoing document, treating it as essentially a request for leave to file a motion seeking the relief outlined in it. The court has the following concerns with respect to that relief:

1. The subject of the motion, designated as "the Recycled Asphalt Pile("RAP") located at 1501 Michigan Street, Gary, Indiana" appears from its title to be a large mass of material, quite probably containing petroleum products or other potentially environmentally damaging chemicals. If that is the case, abandonment will transfer the expense of potential clean up to an undesignated entity, quite probably tax payers of the United States of America or of the State of Indiana. The court therefore needs to be advised of the nature of the Pile and of its potential environmental impact.

2. Even if the Pile is not a potential environmental problem, if it is simply abandoned, who bears the cost of disposing of it, if ultimate disposal will need to be effected?

IT IS ORDERED that a hearing will be on the above-designated matter on **January 9, 2009, at 10:00 A.M.**

Dated at Hammond, Indiana on December 11, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee